



Court File No.: CV-22-00088514-00CP

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE REGIONAL

WEDNESDAY, THE 9TH

SENIOR JUSTICE C. MACLEOD

DAY OF MARCH, 2022

BETWEEN:

ZEXI LI, HAPPY GOAT COFFEE COMPANY INC., 7983794 ONTARIO INC.,
(c.o.b.) as UNION: LOCAL 613 and GEOFFREY DEVANEY

Plaintiffs

- and -

CHRIS BARBER, BENJAMIN DICHTER, TAMARA LICH, PATRICK KING, JAMES BAUDER, BRIGITTE BELTON, DANIEL BULFORD, DALE ENNS, CHAD EROS, CHRIS GARRAH, MIRANDA GASIOR, JOE JANSEN, JASON LAFACE, TOM MARAZZO, RYAN MIHILEWICZ, SEAN TIESSEN, NICHOLAS ST. LOUIS (a.k.a. @NOBODY CARIBOU), FREEDOM 2022 HUMAN RIGHTS AND FREEDOMS, JOHN DOE 1, JOHN DOE 2, JOHN DOE 3, JOHN DOE 4, JOHN DOE 5, JOHN DOE 6, JOHN DOE 7, JOHN DOE 8, JOHN DOE 9, JOHN DOE 10, JOHN DOE 11, JOHN DOE 12, JOHN DOE 13, JOHN DOE 14, JOHN DOE 15, JOHN DOE 16, JOHN DOE 17, JOHN DOE 18, JOHN DOE 19, JOHN DOE 20, JOHN DOE 21, JOHN DOE 22, JOHN DOE 23, JOHN DOE 24, JOHN DOE 25, JOHN DOE 26, JOHN DOE 27, JOHN DOE 28, JOHN DOE 29, JOHN DOE 30, JOHN DOE 31, JOHN DOE 32, JOHN DOE 33, JOHN DOE 34, JOHN DOE 35, JOHN DOE 36, JOHN DOE 37, JOHN DOE 38, JOHN DOE 39, JOHN DOE 40, JOHN DOE 41, JOHN DOE 42, JOHN DOE 43, JOHN DOE 44, JOHN DOE 45, JOHN DOE 46, JOHN DOE 47, JOHN DOE 48, JOHN DOE 49, JOHN DOE 50, JOHN DOE 51, JOHN DOE 52, JOHN DOE 53, JOHN DOE 54, JOHN DOE 55, JOHN DOE 56, JOHN DOE 57, JOHN DOE 58, JOHN DOE 59, JOHN DOE 60, JANE DOE 1 and JANE DOE 2

Defendants

Proceeding under the *Class Proceedings Act, 1992*

ORDER
(directing payment to the Escrow Agent of funds held by The Toronto-Dominion Bank)

THIS MOTION, made by TD Bank for an order directing the Deposited Funds to be paid to the Escrow Agent, was heard this day by Zoom videoconference at Ottawa, Ontario.

ON READING the Fletcher Affidavit, upon being advised of the consent of the Plaintiffs, the Mareva Respondents, the Attorney General of Ontario, the Escrow Agent and TD Bank, and on hearing the submissions of counsel for TD Bank and such other counsel as appeared:

Definitions

1. **THIS COURT ORDERS** that in this order:

- (a) **“Deposited Funds”** means the sum of \$1,393,406.98, which consists of direct email transfers by individuals and a lump sum transfer from GoFundMe, Inc. and which is currently on deposit with TD Bank in two personal bank accounts, as described in the Fletcher Affidavit.
- (b) **“Escrow Agent”** has the meaning ascribed to it in the Order Varying and Extending the Mareva Injunction.
- (c) **“Escrow Assets”** has the meaning ascribed to it in the Order Varying and Extending the Mareva Injunction.
- (d) **“Fletcher Affidavit”** means the affidavit of Virginia Fletcher sworn March 8, 2022.

- (e) **“Mareva Respondents”** has the meaning ascribed to it in the Order Varying and Extending the Mareva Injunction.
- (f) **“Order Varying and Extending the Mareva Injunction”** means the order of this Court in this action dated February 28, 2022.
- (g) **“Plaintiffs”** means the plaintiffs in this action.
- (h) **“TD Bank”** means The Toronto-Dominion Bank.
- (i) **“TD Bank Interpleader Application”** means the application brought by TD Bank in the Ontario Superior Court of Justice (Commercial List) under Court File. No. CV-22-00676865-00CL.

Payment of the Deposited Funds to the Escrow Agent

- 2. **THIS COURT ORDERS** that TD Bank shall pay the Deposited Funds to the Escrow Agent.
- 3. **THIS COURT ORDERS** that after payment of the Deposited Funds to the Escrow Agent:
 - (a) The Deposited Funds will be added to the Escrow Assets and thereafter dealt with by the Escrow Agent in the same manner as the Escrow Assets, as directed by the Order Varying and Extending the Mareva Injunction and by any further order of this Court.
 - (b) The liability of TD Bank in respect of the Deposited Funds is extinguished.

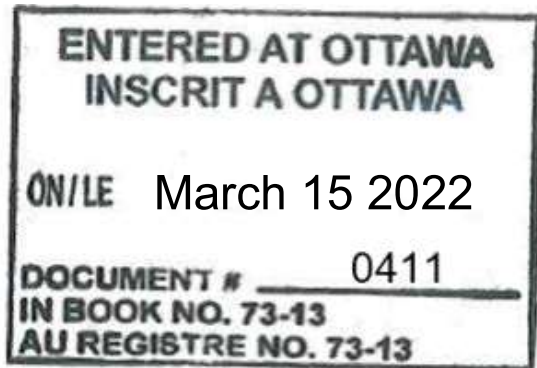
(c) The Application on the Commercial List No. CV-22-00676865-00CL is hereby stayed.

Notice to Attorney General

4. **THIS COURT ORDERS** that no order shall be made permitting the release of the funds covered by this order from the control of the Escrow Agent except on Twenty-One (21) days notice to the Attorney General of Ontario.

Costs

5. **THIS COURT ORDERS** that there is no order as to costs in respect of this order.



C. MacLeod RSJ

ZEXI LI, et al.
Plaintiffs and CHRIS BARBER, et al.
Defendants

Court File No. CV-22-00088514-00CP

ONTARIO
SUPERIOR COURT OF JUSTICE

Proceeding commenced at Ottawa

ORDER

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